

OFFICE OF THE GOVERNOR

**ROBERT BENTLEY**  
GOVERNOR



STATE OF ALABAMA

ALABAMA DEPARTMENT OF ECONOMIC  
AND COMMUNITY AFFAIRS

**JIM BYARD, JR.**  
DIRECTOR

August 17, 2011

The Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

AUG 17 2011

Part of  
Public Record

230822

*Re: Alabama & Florida Railway Co., Inc. – Abandonment Exemption – In  
Geneva, Coffee, and Covington Counties, AL, STB Docket Number AB-1073X*

Dear Ms. Quinlan:

This request is filed on behalf of The Alabama Trails Commission, a government agency interested in the development of recreational trails, which is hereinafter referred to as 'proponent'. While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between milepost 581.3 at Andalusia, Alabama, and milepost 624.2 at Geneva, Alabama.

#### **A. Public Use Condition**

Proponent requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with state and local plans. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to complete a detailed trail plan or commence negotiations with the carrier.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

#### **B. Interim Trail Use**

**FILING FEE WAIVER**

The Honorable Anne K. Quinlan  
August 17, 2011  
Page 2

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

#### STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, The Alabama Trails Commission is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by CSX Transportation, Inc. and/or the Alabama & Florida Railway Co., Inc., and operated by the Alabama & Florida Railway Co., Inc.

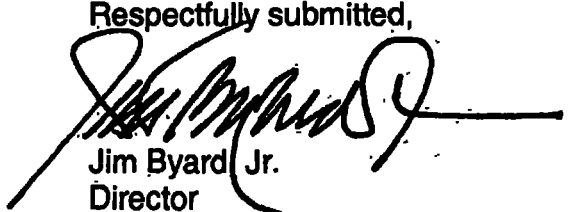
The property, known as the Alabama & Florida Railway, extends from railroad milepost 581.3 at Andalusia, Alabama to railroad milepost 624.2 at Geneva, Alabama, a distance of 42.9 miles in Geneva, Coffee, and Covington Counties in Alabama. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-1073X. A map depicting the right-of-way is attached.

The Alabama Trails Commission acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon the Alabama & Florida Railway Co., Inc., by U.S. Mail, postage prepaid, first class, on August 17, 2011:

William A. Mullins  
Robert A. Wimbush  
Baker & Miller PLLC  
2401 Pennsylvania Avenue, NW, Suite 300  
Washington, DC 20037

Respectfully submitted,

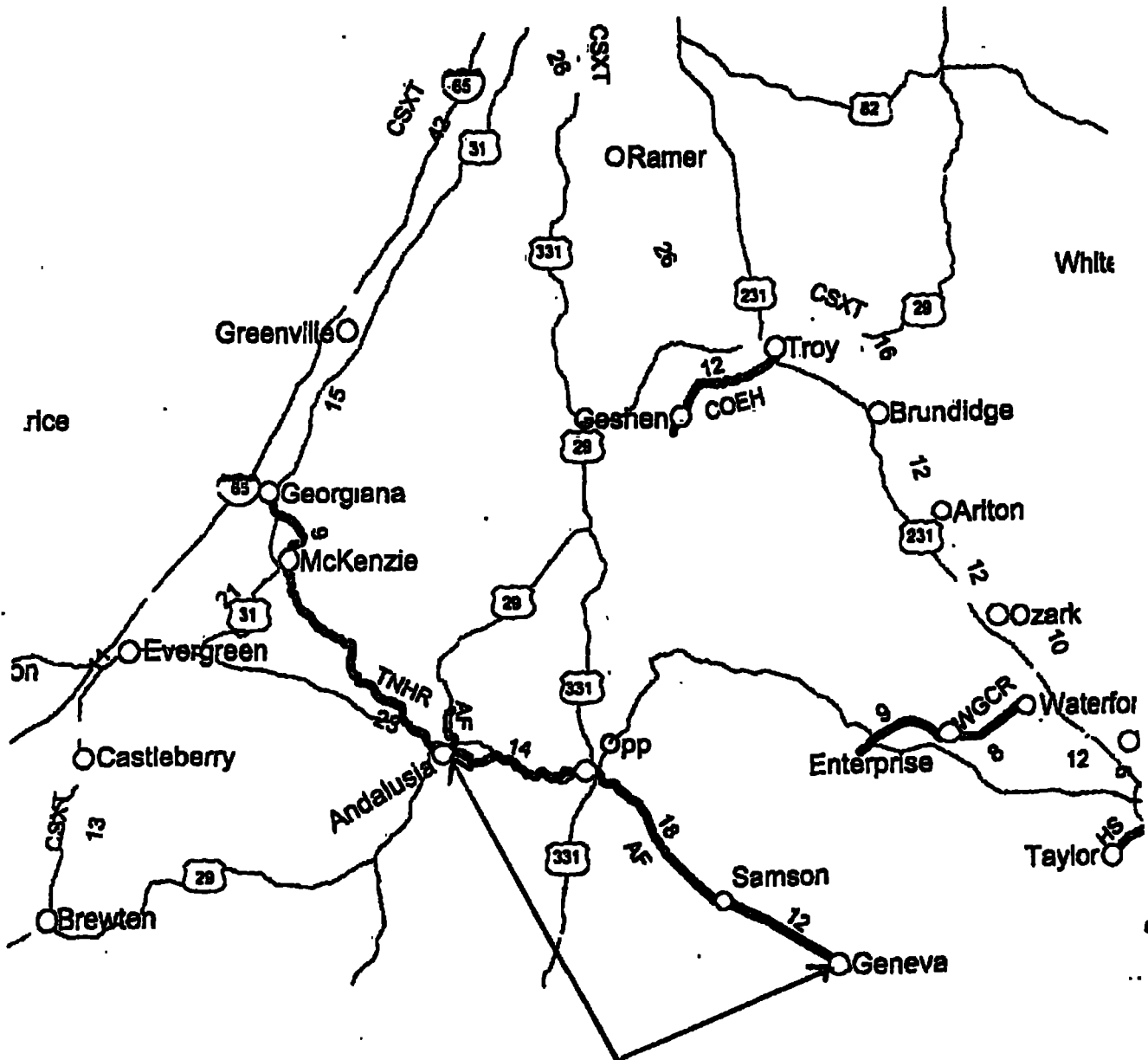


Jim Byard Jr.  
Director  
on behalf of the Alabama Trails Commission

enclosure

JB:GS:rg

Exhibit B



Alabama & Florida Railway Line  
from Andalusia, AL to Geneva, AL